



DATE ISSUED: AUGUST 22, 2000

CASE NO.: 2000-TLC-14

In the Matter of

SERVICOS AGRICOLAS MEXICANOS, INC.

Employer

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1184 and 1188, and the implementing regulations set forth at 20 C.F.R. Part 655, Subpart B.

The employer, Servicios Agricolas Mexicanos, Inc. (hereinafter "Employer"), filed with the U.S. Department of Labor, Employment and Training Administration, an H-2A application for a temporary alien agricultural labor certification for September 5, 2000 to January 15, 2001 growing season. On August 3, 2000, the Regional Administration denied the application on the ground that the employer was not in compliance with 20 C.F.R. part 655.

Employer requested a *de novo* hearing of the decision by a U.S. Department of Labor Certifying Officer (hereinafter "CO"), on August 3, 2000, denying its application for a temporary alien agricultural labor certification.

The H-2A Appeal file was received by the Department of Labor Chief Administrative Judge on August 3, 2000. The undersigned has been designated to resolve the matter, under 20 C.F.R. § 655.112(b)(1). Employer did not seek a hearing within five days pursuant to 20 C.F.R. § 655/112(b)(1)(ii) so the hearing was scheduled for August 16, 2000. The hearing was subsequently cancelled upon consent of both parties during a pre-trial conference call held on August 11, 2000. A second conference call was scheduled at that time.

On August 16, 2000, the CO accepted for consideration the employer's application for temporary alien labor certification. Employer then submitted a motion on August 17, 2000, requesting the case be dismissed because all of the issues have been resolved.

ACCORDINGLY, this matter is hereby DISMISSED.

MICHAEL P. LESNIAK
Administrative Law Judge

MPL/lmk